



Express Mail No.: EL 394 218 055 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stoughton et al.

Application No.: 09/374,565

Group Art Unit: 1654

Filed: August 13, 1999

Examiner: To be assigned

For: METHODS FOR IDENTIFYING
PATHWAYS OF DRUG ACTION

Attorney Docket No.: 9301-058

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants, through their attorneys and in accordance with Rule 26(a) of the Rules of Practice, respectfully request a refund of the portion of the filing fee paid in connection with the above-captioned application that is in excess of the amount required. In particular, the filing receipt for the instant application indicates that a filing fee of \$1,522.00 has been paid in connection with the instant application. However and as explained in detail below, a filing fee of only \$761.00 is required. Thus, a refund of **\$761.00** is respectfully requested.

Applicants submit concurrently herewith: (1) a copy of the Request for Filing a Divisional Application Under 37 C.F.R. § 1.53(b) that was originally filed with the instant application, attached hereto as Exhibit A; and (2) a Request for Corrected Filing Receipt, including a copy of the issued Filing Receipt for the instant application.

REMARKS

The instant application is a divisional of U.S. Patent Application Serial No. 09/074,983, now U.S. Patent No. 5,964,352, filed on April 8, 1998 (hereinafter the "parent application"). The parent application was filed in the U.S. Patent and Trademark Office with an accompanying Verified Statement (Declaration) Claiming Small Entity Status declaring that Rosetta Inpharmatics, Inc., the sole assignee of the parent and the instant applications,

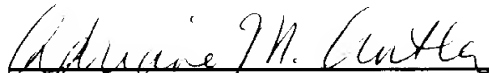
qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

Applicants next respectfully direct the Examiner's attention to the Request for Filing a Divisional Application Under 37 C.F.R. § 1.53(b) (hereinafter the "Request"; see Exhibit A) which was originally filed with the instant application. A copy of the Request is attached hereto as Exhibit A. Pursuant to 37 C.F.R. § 1.28(a)(2), Item 9a of the Request includes a reference to the Verified Statement (Declaration) Claiming Small Entity Status submitted with the parent application, and states that Small Entity Status is still proper and desired. Further, Item 1 of the Request includes a calculation of the filing fee due in connection with the instant application. Specifically, Item 1 of the Request states that the total filing fee due for the instant application is a Small Entity Fee of **\$761.00**. However, as noted above, the filing receipt for the instant application erroneously indicates that a Large Entity Filing fee of **\$1,522.00** has been paid.

Applicants submit, therefore, that the filing fee paid in connection with the instant application is **\$761.00** in excess of the amount due. It is respectfully requested that the U.S. Patent and Trademark Office correct this error and credit the excess amount of the filing fee paid to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this document is enclosed for accounting purposes.

Respectfully submitted,

Date April 7, 2000

 32,605
Adriane M. Antler (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure



Exhibit A

PENNIE & EDMONDS LLP DOCKET NO. 9301-058

Express Mail No.: EL 167 880 247 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPrior application: Examiner Fredman, J.Art Unit 1634

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/074,983 filed on May 8, 1998.

of Roland STOUGHTON and Stephen H. FRIEND
(inventor(s) currently of record in prior application)

for METHODS FOR IDENTIFYING PATHWAYS OF DRUG ACTION
(title of invention)

1. ☒ The filing fee is calculated below and takes into account the claim amendments in the Preliminary Amendment enclosed herewith:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	45	-20	25	\$18.00 each	\$ 450.00
Independent	7	-3	4	\$78.00 each	\$ 312.00
Basic Fee					\$ 760.00
Multiple Dependency Fee If Applicable (\$260.00)					\$ 0.00
Total					\$ 1,522.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 761.00
Total Filing Fee					\$ 761.00

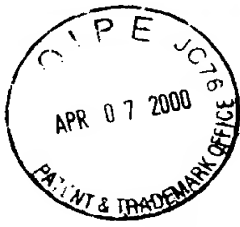
2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 3b. ☐ New formal drawings are enclosed.

- 3c. ☒ Informal drawings are enclosed.
- 4a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 4b. ☐ The certified copy has been filed in prior application no. , filed .
- 5. ☒ The prior application no. 09/074,983 is assigned of record to Rosetta Inpharmatics, Inc. The Assignment was recorded in the U.S. Patent and Trademark Office on May 8, 1998 at Reel 9202, Frame 0527.
- 6a. ☒ The Power of Attorney appears in the original papers in the prior application no. 09/074,983, filed May 8, 1998.
- 6b. ☒ A copy of the Power of Attorney in prior application no. 09/074,983, filed May 8, 1998 is enclosed.
- 7. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
- 8. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
- 9a. ☒ A Verified Statement (Declaration) Claiming Small Entity Status appears in the original papers in the prior application no. 09/074,983 filed May 8, 1998. The Statement declares that Rosetta Inpharmatics, Inc., the sole assignee of the instant application, qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code. Small Entity Status is still proper and desired. Accordingly, all fees paid in connection with the instant application, including the filing fee submitted herewith, should be those for a Small Entity.
- 9b. ☒ Please enter the Preliminary Amendment Under 37 C.F.R. § 1.111 submitted herewith

Respectfully submitted,

Date August 13, 1999

Adriane M. Antler 32,605
 Adriane M. Antler (Reg. No.)
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 New York, N.Y. 10036-2711
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FILE COPY

Express Mail No.: EL 394 218 055 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

Application of: Stoughton et al.

Application No.: 09/374,565

Group Art Unit: 1654

Filed: August 13, 1999

Examiner: To be assigned

For: METHODS FOR IDENTIFYING
PATHWAYS OF DRUG ACTION

Attorney Docket No.: 9301-058

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached hereto, please find a copy of the Filing Receipt for the above-captioned application. Applicants also enclose herewith a Request for Refund Under 37 C.F.R. § 1.26(a), including a copy of the Request for Filing a Divisional Application, attached thereto as Exhibit A.

Applicants respectfully request that the U.S. Patent and Trademark Office issue a new filing receipt, correctly indicating that the instant application has been accorded Small Entity Status. As described in the accompanying Request for Refund, the Request for Filing a Divisional Application submitted with the instant application as filed indicates, in Item 9a, that a Verified Statement (Declaration) Claiming Small Entity Status has been filed in connection with priority application serial no. 09/074,983 and that Small Entity Status is still proper and desired for the instant application. Thus, the instant application should be properly accorded Small Entity Status.

It is additionally requested that the new Filing Receipt indicate the correct title of the application: "METHODS FOR IDENTIFYING PATHWAYS OF DRUG ACTION." Specifically, the word "DRUUG" in the title indicated on the Filing Receipt should be "DRUG," as indicated in red ink on the enclosed copy.

Please correct the filing receipt as indicated on the enclosed copy of the same.

Because these errors are on the part of the U.S. Patent and Trademark Office, it is believed that no fee is required for this Request. However, should a fee be required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this document is enclosed for accounting purposes.

Respectfully submitted,

Date April 7, 2000



Adriane M. Antler

32,605

(Reg. No.)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090

Enclosure

FILING RECEIPT

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/374,565✓	08/13/99✓	1654✓	\$1,522.00	9301-058✓	9	45	7

020583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

① Disclosure = 11/13/99

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) ROLAND STOUGHTON, SAN DIEGO, CA; STEPHEN H. FRIEND, SEATTLE, WA. ✓

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 09/074,983 05/08/98 ✓

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/01/99

★ SMALL ENTITY ★

TITLE

METHODS FOR IDENTIFYING PATHWAYS OF ~~DRUG~~ ACTION ✓

PRELIMINARY CLASS: 435

REFERRED TO: Antler
REC'D Woodley
SEP 09 1999
Fennie & Edmonds
O.K. for filing _____

DATA ENTRY BY: FORD, EVELYN

TEAM: 04 DATE: 09/01/99

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

(See reverse for new important information)